IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 543 of 2005

Between:

Gunturi Venkateswarlu, S/o.Bangaru Reddy,
Madalavaripalem village, Podili Mandal,
Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional officer, Kandukur, Prakasam District.
3 The Mandal Revenue officer, Podili, Prakasam District.
4 Meegada Obulaiah, S/o.Obulaiah,
Madalavaripalem village, Podili Mandal, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more one in the nature of writ of Mandamus declaring the proceedings of the 1st respondent issued in Rc.CS2/29/2005 dt.13-1-2005 in refusing to stay the proceedings of the 2nd respondent issued in D.Dis. (H)/2591/2004 dt.15-12-2004 in appointing the 4th respondent as F.P. shop Dealer of Madalavaripalem village, podili Mandal, Prakasam district on regular basis during the pendency of the appeal of the petitioner before the 1st respondent as illegal, arbitrary and violative of principles of natural justice and consequently suspend the proceedings of the 1st respondent issued in Rc.CS2/29/2005 dt.13-1-2005 and as well as the proceedings of the 2nd respondent issued in D.Dis.(H) 2591/2004 dt.15-12-2004.

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the respondent No.4: Mr. I.Gopal Reddy

The Court at the admission stage made the following :

ORDER:

The petitioner, the 4th respondent and few others responded to a notification, dated 16.10.2004 issued by the 2nd respondent, for appointment of a dealer for the fair price shop of Madalavaripalem village, Podili Mandal, Prakasam District. Interviews were conducted on 06.12.2004. Through proceedings dated 15.12.2004, the 2nd respondent selected the 4th respondent. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent. He also filed an application for stay. His grievance is that the 1st respondent has not passed any interim orders as yet.

Heard learned counsel for the petitioner, the learned Government Pleader for Civil Supplies and learned counsel for respondent No.4.

The petitioner has been functioning as a temporary dealer for the fair price shop referred to above. The 2nd respondent initiated steps for selecting a dealer on regular basis. Through order, dated 15.12.2004, he selected and appointed the 4th respondent. The petitioner contends that the 4th respondent incurred disqualifications under Clauses (7) and (12) of the notification, dated 16.10.2004 viz., he is running a brick business and he availed the benefit under C.M.E.Y Scheme.

Normally, it is difficult to grant any interim order in the appeal filed challenging the order of appointing a dealer or cancelling the authorization of a dealer. The legality or otherwise of such orders needs to be considered only at the time of hearing of the matter. If the contentions raised by the petitioner are true, they go to the very root of the matter. It, however, needs verification of the record as well as examination of the reply that may be offered by the 4th respondent. Since the petitioner has been functioning as a dealer till the recent past, the matter deserves to be given an early disposal.

Hence, the writ petition is disposed of, directing the 1st respondent to pass appropriate orders in the appeal itself, within four weeks from the date of receipt of this order, duly giving an opportunity to the 4th respondent. He shall deal with the submissions raised by the petitioner and consider the same in accordance with law. There shall be no order as to costs.

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04.02.2005

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To

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional officer, Kandukur, Prakasam District.
3 The Mandal Revenue officer, Podili, Prakasam District.

4 2 CCs to the G.P. for Civil Supplies, High Court Buildings,

Hyderabad. (OUT)

6 2 CD copies.